32. Need for the introduction of Coparcenary partition and the Makkathayam system of inheritance in Nair Tarwads.

Mr. P. M. Narayana Kurup (Member, Chirayinkil taluk) referred to the existing provisions in the Nair Regulation in regard to the disposal of one's self-acquisitions to one's wife and children. Even at the time of the passing of the Regulation, the opinion of the community asserted itself in sufficient volume in favour of partition. But the partition provisions were deleted, as the then non-official Nair Members of the Council were opposed to partition. The days when a *Karanavan* could manage a tarwad with satisfaction to all its members and peace and prosperity to the household were gone. The trend of the decisions both of the Travancore and Madras High Courts was towards the assertion of individual rights and freedom and it helped the cause of partition considerably. The present Nair Regulation allowed one-half of the self-acquisitions to the wife and children of the acquirer and what was asked was that the whole of the self-acquisitions should be given to the wife and children as a matter of right, especially because the principle had been accepted both in the Nair Regulation and in the power enjoyed under which wills were being executed making the free gift of the whole of one's self-acquisitions legal. To the Dewan's query, the Member replied that he would have individual partition and not partition by *thavazhies*.

Dewan's reply.—Noted.

33. Urgent necessity for amending the Nair Regulation allowing Makkathayam and individual partition among Nairs.

Mr. K. Govinda Pillai (Member, Thiruvalla taluk) said that the subject had been brought up at several Sessions of the Assembly. The Marumakkathayam Committee had in the course of their investigation recorded the evidence of a large number of witnesses who were in favour of partition. Mr. T. K. Velu Pillai had also introduced a Bill for *thavazhi* partition to the principle of which all the non-official members had assented, but it was vetoed by Government on the ground that the time had not arrived for a change in the law.

Dewan.—When I was at Kottayam two months back, a deputation of some members of the community came to me and requested that individual partition might be introduced in the Nair Regulation. After my return to Trivandrum, other people of the community came to me and opposed partition.

Member.—There is no use in taking opinions in secret. My impression is that a large number are for individual partition. A memorial from the Nair Members of the Assembly is being made ready for submission to Government.

Dewan.—I propose to take the votes of the Nair Members of the Assembly to-morrow. Nair Members who may be absent now may be informed of this. It is not intended to record their reasons. They have simply to state whether they are for partition and, if so, whether they are for individual or *thavazhi* partition. Further action to be taken will depend on the volume of opinion that will be gathered.

34. Need for effecting individual partition in Nair Tarwads by legislative enactment.

Mr. P. Narayana Pillai (Member, Chengannur taluk) traced the origin of the Marumakkathayam system of inheritance and stated that it was entirely unsuited to modern conditions and requirements and that the continuance of it would bring the Nair society into utter economic ruin. The present system of inheritance had already made the members of the Nair society more familiar with law courts than with their own homes. It had become a serious obstacle to all progressive and enlightened ways of living. It was unfortunate that the well-considered opinion of the Nair Committee in favour of partition was nullified by the four non-official Nair members of the Legislative Council when the Nair Regulation was passed. The arguments of the four Nair Members of the Council were then critically examined.

LIBRARY ARCHIVES Kerala Legislative Assembly

The reason urged by one of them that the owners of the landed property were the women and that the men stood only in the relation of trustees would not hold water. Even granting that position, was it consistent with the right of females as owners that *karanavans* should alienate many lands or was it the prime duty of *karanavans* ? Nowhere was it placed on record that females were the owners of lands. On the other hand, the need for partition was realised more by females than by males. The opinion of another Council member was that there was no unanimity of views on the question of partition. That was not a sound position to take up, the Member contended, as no piece of social legislation could be passed with the unanimous approval of all the persons affected by that legislation. To the position taken up by the third member that there was no general feeling in the country in favour of partition, the reply was that, out of 625 land-owning witnesses examined by the Nair Committee, 463 or 74 per cent. were for partition, 94 or 14 per cent. were for awarding maintenance to the members of the tarwad, and 557 or 88 per cent. had accepted the principle of partition. Many words were not needed to say which of the opinions was indicative of the real feeling in the country. The view put forward by the fourth member was not based on close knowledge and experience of tarwad management and was, therefore, not of much value. For, the same gentleman in some of his later utterances had favoured partition. The Member then explained the provisions of the draft Bill prepared by Mr. T. K. Velu Pillai and vetoed by Government and reiterated the grounds on which the Bill was then vetoed. In conclusion, the Member earnestly requested that urgent action be taken to stop the course of ruin to which the Nair community was drifting on account of the want of a law of partition.

Dewan's reply.—If Government are convinced as to the existence of a reasonable volume of public opinion in favour of the proposal for partition, the necessary action will be taken.

35. Desirability of expunging certain portions of the Report of the Jenmi-Kudiyan Committee.

Mr. Thrivikramar Vasudevar (Member, Jenmi, Padmanabhapuram Division) submitted that it was the fourth time he represented the grievances of his community on the report of the Jenmi-Kudiyan Committee. The necessity for a Committee to inquire into the working of the Jenmi-Kudiyan Regulation and the relations between the Jenmies and the Kudiyans arose out of the large volume of litigation between the two which caused the ruin of both. But, unfortunately, the impression produced was a sense of keen dissatisfaction with the report, in the minds of both Kudiyans and Jenmies. Certain portions were even highly offensive and so it had been urged on several occasions that such portions should be expunged. Their request was that another enquiry should be held and a dispassionate report called for to serve as a basis for any action to be taken by Government. The very first object of Government was to maintain cordial relations between the Kudiyans and Jenmies which had been completely frustrated by the report which, it was the earnest wish of the two parties, should not be taken up for the consideration of Government.

Dewan's reply.—Noted.

36. The Legislative Council Regulation, I of 1095.

Mr. Ousep Devasia (Member, Trading Classes, Changanacherry) expressed the thanks of the people for the reform of the Legislative Council, but submitted that the provisions did not go far enough to satisfy the expectations of the people. He trusted that it was only the foundation for a further instalment of reform.

Mr. K. P. Raman Pillai, B. A. & B. L. (Member, Quilon taluk) observed that it was significant of the abiding loyalty of Travancoreans that all were agreed that the people ought to be thankful to His Highness the Maha Raja for His Highness' parental solicitude for the welfare of the people committed to his care and his princely munificence in promoting their welfare. As it had been said, "His

LIBRARY ARCHIVES Kerala Legislative Assembly